IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 24099 of 2007(R)

PETITIONER:

THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM, REPRESENTED BY
DEPUTY LAW OFFICER, SRI.RANJITH JOSEPH.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENTS:

J. VIJAYAN, S/O. JANARDHANAN,
TC.52/893, POOZHIKUNNU,NEMOM,INDUSTRIAL ESTATE P.O
TRIVANDRUM.

BY ADV. SRI.G.S.REGHUNATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 24099/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE COMPLAINT NO.1066/2007 DATED 28.4.2007.

EXT. P2 : TRUE COPY OF THE STATEMENT FILED ON BEHALF OF KSRTC DATED 4.7.2007.

EXT. P3 : TRUE COPY OF THE ORDER OF THE KERALA LOK AYUKTA ON COMPLAINT NO.1066/2007 DATED 4.7.2007.

EXT. P4 : TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.13008/2007 DATED 13.4.2007.

EXT. P5 : TRUE COPY OF THE ORDER NO.LR8-023330/97 DATED 3.2.2007.

EXT. P6 : TRUE COPY OF THE ORDER NO.LR8-023330/97 DATED 4.6.2007.

EXT. P7 : TRUE COPY OF THE JUDGMENT IN W.A. NO.289/2001 DATED 20.11.2002.

EXT. P8 : TRUE COPY OF THE INTERIM ORDER IN CIVIL APPEAL NOS. 5401 - 5407 OF 2002 DATED 29.8.2002 OF THE HONOURABLE SUPREME COURT.

K.M.JOSEPH, J.

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WP.(C) No. 24099 of 2007

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Dated this the 18th day of September, 2007

JUDGMENT

Petitioner challenges Ext.P3 and seeks a declaration in terms of prayers 2 and 3.

2. I heard learned counsel for the respondent also.

3. The issue at hand is covered in favour of the petitioner by the decision in W.P.(C) 19040 of 2007. Learned counsel for the respondent points out that the condition of the respondent deserves utmost sympathetic consideration. He has an epileptic son and his daughter has been given in marriage and the financial condition deserves consideration. Of course petitioner retired on 31.3.207 as Chargeman.

In such circumstances, while disposing of the writ petition in terms of prayer Nos. 2 and 3, Ext.P3 will stand modified and there will be a direction to the petitioner to pay to the respondent the amount due as DCRG or Commuted Value of Pension, whichever is higher within a period of one month from the date of receipt of a copy of this

judgment. There will be a further direction that if the respondent represents to the petitioner, giving details regarding the condition of the son of the respondent and treatment required, the petitioner will consider release of the amount, either DCRG or Commuted Value of Pension which is not released in terms of the direction, to the respondent overlooking seniority. Subject to these modifications, Ext.P3 will stand set aside.

(K.M. JOSEPH, JUDGE)

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